

REMARKS

Status of the Claims

Claims 14-40 and 43-47 were in the application as examined. (Examiner sometimes overlooks claim 47 in the current Office action.)

Claims 20-33 and 34-36 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. (But at page 9 of the Office action Examiner indicates that claims 29, 34-36 (and 47) are allowed.)

Claims 43-46 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 14-40 and 43-46 (and, presumably, 47) stand rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-4 of U.S. Patent 6,330,561 and claims 1-12 of U.S. Patent 6,751,608. However, claim 47 is indicated to be allowed, as noted above.) In any event, separate terminal disclaimers, each in standard form, over the cited U.S. Patents have been filed with this response to overcome these bases for rejection.

Claims 14 and 16-19 stand rejected under 35 U.S.C. § 102(b) as anticipated by Logue *et al.* ("Logue"), U.S. Patent 5,935,207.

Claims 15, 20-28, 30-33, 37-40 and 43-46 stand rejected under 35 U.S.C. § 103(a) as obvious over Logue taken with U.S. Patent 6,012,083 to Savitzky ("Savitzky"). But, at page 9 of the Office action Examiner indicates that claims 29, 34-36 and 47 are allowed.

By this response, claims 14-28 and 37-46 are canceled without prejudice in favor of the retained claim. Applicants reserve the right to pursue the subject matter covered by the canceled claims in a continuing application. Retained claims 29, 34-36 and 47 are those that have been indicated by the Examiner as allowed.

Thus claims 29, 34-36 and 47 that have been indicated by the Examiner as allowed remain in the application. Claims 30-33, which depend from allowed claim 29, and include all of the limitations of claim 29, are also retained in the application.

Arguments in Support of Claims now in the Application

As indicated above, only claims 29-36 and 47 remain in the application, and, of these claims 29, 34-36 and 47 are indicated by the Examiner (p. 9-10 of the Office action) to be allowable.

Applicants are aware that these claims are also said to be subject to rejection on the ground of nonstatutory obviousness-type double patenting indicated above. Nevertheless, the included terminal disclaimers obviate the double patenting rejection of all retained claims.

Additionally, however, Examiner has indicated (pp. 2 and 3 of the Office action) that claims 29-36 stand rejected under 35 U.S.C. § 112, first paragraph, as being in violation of the written description requirement. No specific offending language for any of these claims is cited by Examiner, but language cited as instances of other alleged violations of the written description requirement are applied to claims 20, 25 and 37. While applicants' attorney strenuously disagrees with all rejections under 35 U.S.C. § 112, first paragraph, the rejection of claims 20-28 is not presently resisted; these claims have been canceled in the present application to facilitate allowance and issuance of claims 29-36 and 47 in the present application. Again, applicants reserve the right to pursue presently canceled claims in a continuing application.

Reasons for allowance of claims 29, 34-36 and 47 are given by the Examiner at pages 9 and 10 of the Office action. In addition, claims 30 (as presently amended) and 31-33, all depending from allowed independent claim 29, include all of the limitations of claim 29 and are allowable for the same reasons as claim 29.

So, as a first preference, it is requested that the petition be granted and the current Office action be withdrawn to correct the inconsistency between allowed and *any* rejection of claims. (Claim 47 is not rejected on any ground.) The required terminal disclaimers filed with this response will, of course avoid the blanket double patenting rejection. With the withdrawal of the present Office action it is further requested that the cancellation of presently canceled claims NOT be entered. However, in accordance with this first preference, it is requested that the minor present amendment to claim 30

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correcting a typographical error placing the dependency of claim 30 from claim 28 to the correct dependency from allowed claim 29 be entered to allow for a proper consideration of claims 30-33.

Alternatively, and only as a second preference, it is requested that the petition be granted and claims 29-36 be allowed (along with claim 47) and the case passed to issue. Presently canceled claims will then be considered for filing in a continuing application.

Conclusion

For the foregoing reasons, it is respectfully submitted that either (i) the present Office action should be withdrawn or (ii) claims 29-36 and claim 47 as presently amended, be found to overcome or avoid all bases for rejection or objection and be found to be allowable. Further examination is therefore requested.

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